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LETTER DATED 5 JANUARY 1996 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith through you for the information of the Security Council, the following details concerning the nineteenth regular session of the Governing Council of the United Nations Compensation Commission, held at the Palais des Nations in Geneva from 11 to 13 December 1995.

At its 56th meeting, the Governing Council heard statements by the representatives of Kuwait and Iraq. It also heard the report of the Executive Secretary on the activities of the Commission (S/AC.26/1995/R.38).

At its 57th meeting, the Council reached a new turning point in the history of the Commission, when it concluded and authorized the full payment of compensation for all pending successful category B claims through its consideration and approval of the fourth and final report of the Panel of Commissioners on individual claims for serious personal injury or death (S/AC.26/1995/6 and S/AC.26/Dec.34 (1995)).

As a result of the Commission's decision, over 4,000 category B claimants from 40 countries and 3 international organizations filing claims on behalf of Palestinians have been paid a total of US$ 13,460,000.

This achievement has taken place only four years after the start of the work of the Commission and was accomplished in spite of continuous financial problems. While such an outcome is expected to enhance the credibility of the Commission, as well as the United Nations as a whole, it is also expected to raise the hopes of claimants in other categories that they may expect that their own compensation awards will be paid by the Commission. The only category B claims that remain unresolved are those of approximately 550 missing persons, mostly Kuwaitis, whose fate is still unknown.

The Council also considered and approved the recommendations made by the Panel of Commissioners concerning the fifth instalment of category A claims (individual claims for departure from Iraq or Kuwait) containing 217,520 successful claims submitted by 60 countries and 3 international organizations

filing Palestinian claims with a value of US$ 784,076,500 (S/AC.26/1995/5 and S/AC.26/Dec.33 (1995)).

That decision brings the total of claims for which awards have been issued in that category to close to 800,000, with a corresponding value of US$ 2.8 billion. It is expected that the sixth and final instalment of category A claims will be concluded in mid-1996. Such a situation signals more than ever the need to secure the necessary financial resources to pay these outstanding compensation awards in order not to risk the negative implications that the failure to meet such expectations could entail for the credibility of the whole United Nations compensation operation that was set up by the Security Council back in 1991.

The third decision that the Governing Council adopted in the course of its nineteenth session relates to further procedures for the review of claims under article 38 of the provisional rules for claims procedure. This decision was aimed at enhancing the efficiency and regulating the time-frame for the completion of the work of the panels of commissioners on large and complex claims in categories D (individual claims for losses above US$ 100,000) E (corporate claims) and F (government claims) (S/AC.26/Dec.35 (1995)).

The Council also requested the Executive Secretary to write to all Governments that have submitted claims in categories D, E and F in order that they might identify the identities of individuals and any other information that is confidential or privileged from a business perspective that should be removed before the panels of commissioners provide the claims documents to third parties. The Council also requested the Executive Secretary to inform Governments, international organizations and other entities that have submitted claims that will be covered in future article 16 reports to identify similar information needed to be protected from such release.

The Governing Council also examined the eleventh report of the Executive Secretary concerning consolidated claims in category E submitted after the expiration of the filing period provided for in article 12, paragraph 2 of the provisional rules for claims procedure (S/AC.26/1995/R.34 and Add.1) and accepted the six category E claims included therein.

Concerning claims belonging to categories A to D submitted after the expiration of the deadline for the filing of such claims that are affected by decision 23, i.e., those submitted after 1 January 1995, the Council examined the fourth report of the Executive Secretary (S/AC.26/1995/R.33 and Add.1 and Add.2) as well as a report by the secretariat on the admissibility of 1,318 Kuwaiti late claims (S/AC.26/1995/R.37 and Corr.1). The Council accepted the filing of 271 of these claims but rejected 1,326 other late claims in these categories. Two claims remain pending for the next session of the Council.

In his report to the Governing Council on the activities of the Commission, the Executive Secretary reported that the Government of Kuwait has transferred to the United Nations Escrow Account US$ 613,780 as revenue obtained from the sale of the cargoes of seized ships carrying illegal Iraqi oil exports, 30 per cent of which will be made available to the Commission's Compensation Fund.

The Council reiterated its commitment to pursue its efforts to obtain similar revenues from the sale of the cargoes of other seized ships. The Council also renewed its appeal to all Governments to try to locate and transfer the proceeds from the sale of Iraqi oil and petroleum products that had been exported but not paid for at the time of the adoption of Security Council resolution 661 (1990), as required by Council resolution 778 (1992).

The question of the urgent need for sources of funding for the payment of awards has continued to constitute the focus of the Governing Council's interest and concern. On this occasion, I wish to reaffirm to you, that the Governing Council looks to the Security Council to find appropriate and expedited solutions to ensure that the increasing number of compensation awards issued will be honoured.

Finally, the Governing Council decided to hold a one-day session on 5 February 1996 and a full three-day session from 28 to 30 May 1996.

(Signed) Giuseppe BALDOCCI
President
Governing Council
United Nations Compensation Commission

Annex I

Decision Concerning the Fifth Instalment of Claims for Departure from Iraq or Kuwait (Category "A" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 57th meeting, held on 13 December 1995 at Geneva *

The Governing Council,

Having received, in accordance with article 37 of the Provisional Rules for Claims Procedure, the fifth report of the Panel of Commissioners appointed to review individual claims for departure from Iraq or Kuwait (category "A" claims), covering 217,520 individual claims,

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly,

2. Decides, pursuant to Article 40 of the Rules and subject to paragraph 4 below, to approve the amounts of the recommended awards concerning the 217,520 claims covered in the annex to the report, as follows:

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* Previously issued as document A/AC.26/Dec.33 (1995).

Country	Number of Claims Recommended for Payment	Amount of Compensation Recommended(US$)
Algeria	4	19,500.00
Australia	16	76,000.00
Bahrain	5	15,500.00
Bangladesh	13,543	52,372,500.00
Bosnia and Herzegovina	882	3,532,000.00
Brazil	1	5,000.00
Bulgaria	417	1,890,000.00
Canada	93	407,000.00
China	1,424	5,716,000.00
Croatia	8	33,000.00
Cyprus	1	2,500.00
Czech and Slovak Federal Republic*	104	455,000.00
Denmark	2	5,000.00
Egypt	75,576	217,074,000.00
Ethiopia	55	224,000.00
Federal Republic of Yugoslavia (Serbia and Montenegro)	901	3,818,500.00
Finland	5	23,000.00
France	30	133,500.00
Germany	10	37,000.00
Ghana	3	12,000.00
Greece	5	28,500.00
Hungary	22	107,000.00

* These claims were submitted before the Czech and Slovak Federal Republic ceased to exist. Awards of compensation will have to be paid to the Governments of the Czech Republic and the Slovak Republic, respectively, pursuant to an agreement between the two Governments.

Country	Number of Claims Recommended for Payment	Amount of Compensation Recommended(US$)
Iceland	1	4,000.00
India	37,508	145,908,500.00
Iran	708	4,502,000.00
Ireland	36	117,000.00
Italy	53	179,500.00
Japan	187	778,000.00
Jordan	3,845	17,416,000.00
Kenya	1	2,500.00
Korea, Republic of	402	1,005,000.00
Kuwait	8,317	39,897,500.00
Lebanon	1,565	3,923,000.00
Malaysia	2	10,000.00
Mauritius	1	4,000.00
Morocco	32	105,500.00
Nepal	70	283,500.00
Netherlands	5	26,500.00
Pakistan	6,016	23,213,500.00
Philippines	7,778	31,112,000.00
Poland	915	3,738,500.00
Romania	1,354	3,548,000.00
Russian Federation	2,021	8,312,000.00
Senegal	4	23,500.00
Somalia	144	467,500.00
Sri Lanka	18,154	72,551,500.00
Sudan	10,196	38,661,000.00
Sweden	10	38,500.00

Country	Number of Claims Recommended for Payment	Amount of Compensation Recommended(US$)
Switzerland	1	2,500.00
Syria	7,492	26,823,500.00
Tanzania	13	49,000.00
Thailand	2,652	10,563,000.00
The former Yugoslav Republic of Macedonia	239	967,500.00
Tunisia	91	338,500.00
Turkey	1,805	6,547,500.00
Ukraine	2	8,000.00
United Kingdom	367	1,316,500.00
United States	178	838,500.00
Vietnam	6,209	24,840,000.00
Yemen	5,858	29,195,000.00
UNDP (Jerusalem)	15	71,500.00
UNDP (Washington)	12	59,500.00
UNDP (Yemen)	3	10,500.00
UNHCR (Bulgaria)	1	8,000.00
UNHCR (Canada)	13	63,000.00
UNHCR (Geneva)	5	18,500.00
UNRWA (Vienna)	132	541,000.00
Total	217,520	784,076,500.00

3. Reaffirms that when funds become available payments shall be made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)],

4. Notes that where claimants, awarded the higher amounts available under Category "A", are found also to have filed claims in other categories, their awards will be adjusted in accordance with the provisions of Decision 21 [S/AC.26/Dec.21 1994)],

5. Recalls that, when payments are made in accordance with Decision 17 and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], Governments and appropriate authorities concerned shall distribute amounts received in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution;

6. Requests the Executive Secretary to provide copies of the report and the annex to the report to the Secretary-General and copies of the report and the annex as well as the tables containing the breakdown of the amounts to be paid to each individual claimant to each respective Government and international organization, and reminds these Governments and international organizations of their obligation to take the appropriate measures to preserve the confidentiality of those tables.

Annex II

Decision Concerning the Third Instalment of Claims for Serious Personal Injury or Death (Category "B" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 57th meeting, held on 13 December 1995 at Geneva *

The Governing Council,

Having received, in accordance with article 37 of the Provisional Rules for Claims Procedure, the fourth report of the Panel of Commissioners appointed to review individual claims for serious personal injury or death, covering 1055 individual recommendations,

1. Approves the recommendations made by the Panel of Commissioners and accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards totaling US$2,450,000.00 concerning the 719 claims listed in the annexes to the report;

3. Decides that the following amounts be paid with respect to those awards as listed below:

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* Previously issued as document S/AC.26/Dec.14 (1995).

(a) Amounts of the recommended awards concerning the 566 claims listed in paragraph 17 of the report for the third instalment:

Government/International Organization	Consolidated Claim Submission	Total Amount Awarded (US$)
Bangladesh	BD/1125/04B	$2,500.00
Bulgaria	BG/1171/02B	$0.00
Canada	CA/1074/04B	$0.00
Egypt	EG/1030/18B	$10,000.00
	EG/1079/19B	$0.00
	EG/1146/20B	$27,500.00
Ethiopia	ET/1180/01B	$2,500.00
Germany	DE/1077/06B	$0.00
India	IN/1038/16B	$10,000.00
	IN/1050/17B	$7,500.00
Israel	IL/1031/03B	$2,500.00
	IL/1049/04B	$2,500.00
Jordan	JO/1019/07B	$240,000.00
	JO/1066/08B	$82,500.00
	JO/1128/09B	$2,500.00
	JO/1179/10B	$5,000.00
Kuwait	KW/1009/12B	$720,000.00
	KW/1075/13B	$372,500.00
	KW/1098/15B	$35,000.00
	KW/1148/16B	$2,500.00
	KW/1152/17B	$2,500.00
	KW/1155/18B	$12,500.00
Pakistan	PK/1061/06B	$7,500.00
	PK/1104/07B	$10,000.00
Somalia	SO/1106/02B	$0.00
United Kingdom	GB/1150/19B	$2,500.00
Yemen	YE/1093/02B	$10,000.00
UNHCR Bulgaria	18/568/01B	$2,500.00

Government/International Organization	Consolidated Claim Submission	Total Amount Awarded (US$)
UNHCR Canada	17/441/01B	$2,500.00
	17/1091/02B	$0.00
Total		$1,575,000.00

(b) Amounts of the recommended awards in paragraph 10-1 of the report concerning 25 claims from the first instalment where further documentation had been requested by the Panel of Commissioners and for which the requested documentation has been submitted:

Government	Submission	Amount Awarded (US$)
Jordan	JO/103/01B	$197,500.00
Kuwait	KW/007/01B	$5,000.00
Kuwait	KW/144/03B	$5,000.00
Sri Lanka	LK/109/01B	$17,500.00
Total		$225,000.00

(c) Amounts of the recommended awards in paragraph 10-2 of the report concerning 55 claims from Part One of the second instalment where further documentation had been requested by the Panel of Commissioners and for which the requested documentation has been submitted:

Government/International Organization	Submission	Amount Awarded (US$)
Australia	AU/290/02B	$2,500.00
Bangladesh	BD/182/01B	$57,500.00
Bulgaria	BG/419/01B	$2,500.00
Canada	CA/279/01B	$2,500.00
Egypt	EG/460/02B	$10,000.00
	EG/510/04B	$10,000.00
	EG/688/06B	$0.00

Government/International Organization	Submission	Amount Awarded (US$)
India	IN/172/01B	$2,500.00
	IN/180/02B	$7,500.00
	IN/267/03B	$7,500.00
	IN/376/09B	$15,000.00
	IN/402/10B	$7,500.00
Jordan	JO/301/02B	$10,000.00
Kuwait	KW/191/04B	$7,500.00
	KW/273/05B	$10,000.00
	KW/368/06B	$2,500.00
	KW/430/07B	$5,000.00
	KW/546/08B	$17,500.00
Pakistan	PK/174/02B	$7,500.00
	PK/317/03B	$30,000.00
Sri Lanka	LK/333/02B	$2,500.00
United Kingdom	GB/194/07B	$2,500.00
	GB/206/08B	$10,000.00
	GB/375/12B	$2,500.00
	GB/393/13B	$2,500.00
UNRWA Vienna	PP/322/02B	$7,500.00
Total		$242,500.00

(d) Amounts of the recommended awards in paragraph 10-3 of the report concerning 51 claims from Part Two of the second instalment where further documentation had been requested by the Panel of Commissioners and for which the requested documentation has been submitted:

Government	Submission	Amount Awarded (US$)
Canada	CA/942/03B	$12,500.00
Egypt	EG/542/05B	$107,500.00
	EG/1007/17B	$10,000.00
Israel	IL/1015/02B	$0.00

Government	Submission	Amount Awarded (US$)
Jordan	JO/437/03B	$40,000.00
	JO/599/04B	$7,500.00
	JO/763/05B	$0.00
	JO/893/06B	$10,000.00
Kuwait	KW/802/11B	$0.00
Lebanon	LB/458/01B	$2,500.00
Pakistan	PK/567/04B	$0.00
Sudan	SD/293/01B	$55,000.00
Syria	SY/288/01B	$25,000.00
Tunisia	TN/472/02B	$7,500.00
Yemen	YE/559/01B	$20,000.00
Total		$297,500.00

(e) Amounts of the recommended rectifications listed in paragraph 21 of the report for claims in the previous instalments from Egypt, Jordan, Kuwait, Sudan and Yemen:

Consolidated Claim Submission	Previous Amount Awarded (US$)	Rectified Amount (US$)	Difference (US$)
EG/542/05B	$707,500.00	$727,500.00	$20,000.00
JO/103/01B	$987,500.00	$997,500.00	$10,000.00
KW/007/01B	$105,000.00	$100,000.00	($5,000.00)
KW/144/03B	$1,235,000.00	$1,250,000.00	$15,000.00
KW/191/04B	$1,182,500.00	$1,192,500.00	$10,000.00
KW/273/05B	$405,000.00	$395,000.00	($10,000.00)
KW/430/06B	$427,500.00	$455,000.00	$27,500.00
KW/546/08B	$980,000.00	$985,000.00	$5,000.00
SD/293/01B	$265,000.00	$267,500.00	$2,500.00
YE/559/01B	$290,000.00	$325,000.00	$35,000.00

4. Recalls that when payments are made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)] and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], Governments and international organizations shall distribute amounts received in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution;

5. Decides that no compensation is awarded concerning the 311 claims referred to in paragraph 23 of the report;

6. Notes the transfer by the Executive Secretary of the 18 claims referred to in paragraph 23 of the report to the Panel of Commissioners appointed for category "C" claims;

7. Notes that no recommendation has been made at this stage for the seven claims referred to in paragraph 23 of the report;

8. Requests that the Executive Secretary provides copies of the report and the pertinent annexes to the report to the Secretary-General and to respective Governments and international organizations, and reminds these Governments and international organizations of their obligation to take the appropriate measures to preserve the confidentiality of the annexes.

Annex III

Decision Concerning Further Procedures for Review of Claims Under Article 38 taken by the Governing Council of the United Nations Compensation Commission at its 57th meeting, held on 13 December 1995 at Geneva *

The Governing Council decides, in accordance with articles 39 and 43 of the Provisional Rules for Claims Procedure:

(a) When the Executive Secretary actually provides claims to a panel of Commissioners, those claims shall be considered submitted under article 32, and the time limits in article 38 shall begin to run and shall run continuously.

(b) A panel of Commissioners that has received claims for review under article 38 shall determine whether the claims are unusually large or complex and require additional proceedings as are envisaged in article 38(d). Whenever possible, the panel should complete its review of the claims within the time period specified in article 38(c).

(c) With respect to claims requiring additional proceedings under articles 36 and 38(d), the panel shall determine whether it requires time in excess of that available under article 38(d) to complete its review of the claims and the report and recommendations to the Governing Council. If the panel determines that such excess time is required, this determination shall be considered a request to the Governing Council for additional time pursuant to article 39. The Governing Council hereby approves up to six additional months in that event. A panel that avails itself of such additional time shall so inform the Governing Council through the Executive Secretary.

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* Previously issued as document S/AC.26/Dec.35 (1995).